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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/224,637 12/31/98 OFEK

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EXAMINER

VITAL, P

ART UNIT	PAPER NUMBER
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2752

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DATE MAILED: 08/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/224,637

Applicant(s)

Cakeljic et al.

Examiner

Pierre Vital

Group Art Unit

2752



☒ Responsive to communication(s) filed on Dec 31, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-25 is/are pending in the applicant

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 31, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Oath/Declaration

1. It does not identify the post office address of each inventor. A post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The post office address should include the ZIP Code designation.

Drawings

2. Figure 2B, 2C, 5, 6 and 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Claim Objections

3. Claim 14 is objected to because of the following informalities:

In line 2, replace "send a receive" with --send and receive--.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "the plurality of primary storage nodes" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Bingham et al. (US6,052,341).

As per claims 1, 4, 6-9, 11, 13, 14, 16, 17 and 19-23, Bingham et al. teach a method and apparatus that intercepts move or exchange commands from multiple hosts [Col.2, Lines 50-52]; a switching matrix (switched network) for selectively connecting two or more hosts of a set of hosts separately and concurrently (in parallel) to two or more drives (using multiple ports) of a set of drives (primary storage devices) for transferring data between the set of hosts and data storage

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media (secondary storage device) coupled to the set of drives [Claim 1, Lines 10-14]; an accessor is a robotic device which accesses the data storage media from the storage slots and delivers (automatic transfer of data to storage devices) the accessed media to data storage drives 218 and 219 [Col.4, Lines 64-67].

As per claims 2, 3 and 12, Bingham et al teach a single host tape server system 100 uses an engine 112 to move data between the DASD 116 and tape drives 118 [Col.4, Lines 36-37].

As per claims 5, 15 and 25, Bingham et al teach at least one accessor (data movers) to access data storage media in the library system and to move data storage media between the bins and the drives [Col.3, Lines 10-12].

As per claims 10, 18 and 24, Bingham et al teaches a virtual tape server (VTS) having a tape library has been proposed [Col.1, Lines 26-27].

Conclusion

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach storage devices, switched network, tape library and cache disk array.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre M. Vital whose telephone number is (703) 306-5839. The examiner can normally be reached on Monday to Friday from 8:30 A.M. to 5:00 P.M.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JWC/pmv

July 24, 2000



JOHN W. CABECA
PRIMARY EXAMINER